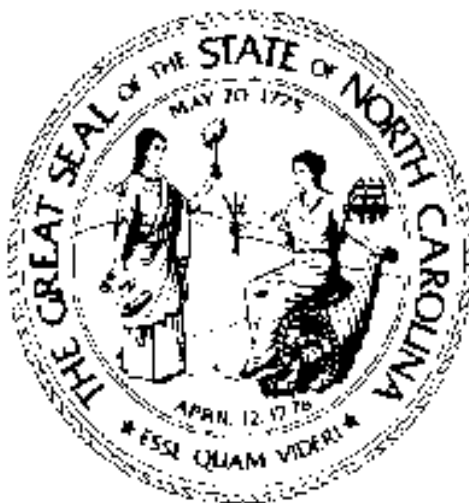


2011 North Carolina Annual Action Plan



*--Prepared for--
United States Department of Housing and Urban Development*

*--In cooperation with--
North Carolina Department of Commerce, Division of Community Assistance
North Carolina Housing Finance Agency
North Carolina Division of Public Health, HOPWA
North Carolina Office of Economic Opportunity*

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Executive Summary ^{(24 CFR91.320(b))}

For the 2011 Program Year, the state estimates it will receive federal resources from the U.S Department of Housing and Urban Development (HUD) equal to prior 2010 funding, or approximately \$53.5 million . The four programs covered by this Action Plan are (in alphabetical order): Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), HOME Investment Partnership (HOME) and Housing Opportunities for Persons With AIDS (HOPWA). Funds for these programs have been significantly reduced over the past several years, and as resources have shrunk, needs have been prioritized and investments targeted to achieve the greatest impact on the goals and objectives indentified in the state's Consolidated Plan.

State Objectives: The state realizes it cannot meet all of the housing need, but it can strategically invest its limited resources to alleviate important housing problems for North Carolina's households.

The state has three (3) basic goals:

1. To provide decent and affordable housing
2. To provide a suitable living environment
3. To expand economic opportunity

The primary means through which these goals are achieved is the provision of affordable housing. Each agency operates programs that help to fulfill these goals, while meeting housing and service-related needs statewide.

This document, the 2011 Consolidated Annual Action Plan of the State of North Carolina, serves as the annual application to the U.S. Department of Housing and Urban Development (HUD) for funding for the following housing-related projects:

- \$28.7 million in Community Development Block Grant (CDBG) funds, to be administered by the Department of Commerce, Division of Community Assistance;
- \$20 million in HOME Investment Partnership Program (HOME) funds and additional HOME match to be administered by the North Carolina Housing Finance Agency.
- \$2.5 million in Emergency Solutions Grant (ESG) funds, to be administered by the Department of Health and Human Services, Office of Economic Opportunity; and
- \$2.6 million in Housing Opportunities for Persons with AIDS (HOPWA) funds, to be administered by the Department of Health and Human Services, AIDS Care Unit

For information regarding specific programs, please visit the organization websites:

- Department of Commerce, Division of Community Assistance - www.nccommerce.com
- North Carolina Housing Finance Agency - www.nchfa.com
- AIDS Care Unit – www.epi.state.nc.us/epi/hiv/aidscares2.html
- Office of Economic Opportunity - www.ncdhhs.state.nc.us/oeo/

Evaluation of Past Performance

The state of North Carolina evaluates its performance annually in meeting the goals of the strategic plan and the action plan. The North Carolina Consolidated Annual Performance & Evaluation Report (CAPER) is submitted to HUD on March 31 of each year; this is 90 days after the close of the Consolidated Plan Partner program year. The most recent past performance and evaluation reports can be downloaded from the DCA website at <http://www.nccommerce.com/en/CommunityServices/CommunityDevelopmentGrants/CommunityDevelopmentBlockGrants/ConsolidatedPlanningProcess/>.

Expected Outcomes: Of the total funding for housing activities to be undertaken in 2011, over 55% of the funding is targeted to the high priority needs, 29% is targeted to the medium priority needs, and 16% is targeted

to the low priority needs. The anticipated distribution of funding by agency and by priority need category is shown in the chart on page 8.

Summary of Citizen Participation and Consultation Process

Citizen Participation

The state of North Carolina has developed a North Carolina Consolidated Plan Citizen Participation Plan. This plan is a guidance document to ensure and encourage public participation throughout the Consolidated Planning Process. It sets forth the state's policies and procedures for citizen participation. The plan can be downloaded from the DCA website at www.nccommerce.com.

The state of North Carolina encourages citizens to participate in the planning, implementation, and assessment of the Consolidated Plan for HUD Community Planning and Development programs. This plan describes how this participation will be encouraged.

Citizens may make comments or request information regarding the Consolidated Plan by telephone, mail, or facsimile transmission to the Consolidated Planning Coordinator, Division of Community Assistance, 4313 Mail Service Center, Raleigh, North Carolina 27699-4313, Tel. (919) 733-2850, TDD 1-800-735-2962, Fax (919) 733-5262. The state will respond in the Consolidated Plan or performance report, as appropriate, to written comments received.

During the development of the plan, during the development of any substantial amendments, and prior to submission of the annual performance report to HUD, the state will solicit the views and proposals of citizens at a public hearing/s.

Notices for public hearing shall include:

- 1) The subject of the meeting;
- 2) Amount of funds anticipated to be available and range of eligible activities;
- 3) Estimated benefit to low and moderate income persons;
- 4) Information needed by citizens to make informed comments, or in the case where extensive information will be the subject of comment, where the information is available for inspection;
- 5) Time and location of the meeting;
- 6) The address and telephone number where special populations (persons with disabilities or non-English speaking persons) may request auxiliary aids or assistance;
- 7) The address where written comments may be submitted, and the time frame of the comment period for the subject of the meeting;
- 8) The telephone number where persons may request additional information.

Notices: Adequate advance notice of meetings will be given. Notices will be published in newspapers of general circulation no less than ten days and no more than twenty-five days prior to the beginning of any series of hearings or meetings. Notices will also be mailed to local governments, advocacy groups, nonprofit housing organizations, housing-related service providers, for-profit developers, professional organizations, other known constituency groups, and citizens who have requested notification of any meetings.

Format: Meetings will be designed to allow the most opportunity and encouragement for citizens to express their views. At least one meeting will follow the format of a formal public hearing, while the state is identifying its housing and community development needs prior to writing the consolidated plan.

Accessibility: Meetings will be held at times and locations convenient to potential and actual beneficiaries. All meeting places will be handicapped accessible. Auxiliary aids, such as a sign-language interpreter, will be provided

upon request. An interpreter will be provided at meetings where a significant number of non-English speaking persons can be reasonably expected to attend.

Action Plan: The state will develop an action plan annually for the use of its funds, and submit this plan with certifications. In the years in which the action plan is directed by the five-year needs assessment and strategic plan, the state will hold hearings or meetings, publicized and conducted as described above in the section “**Meetings**” when the state has a draft of the action plan. The state will receive comments from citizens and units of general local government on the proposed action plan for a period of not less than 30 days from the date when the draft is available to the public. The comment period will be publicized in the notices published in the newspaper and mailed to interested parties. Any comments received in writing or orally at the public hearings will be considered in preparing the final submission. The final action plan will include a summary of these comments or views and the reasons for not accepting any comments received. Public comment for this plan began on October 1, 2010 and ended on October 31, 2010.

Consultation Process

The state of North Carolina has developed a North Carolina Consolidated Plan Consultation Plan. This plan is a guidance document describing our state process for consulting with other public and private agencies that provide assisted housing, health services, and social and fair housing services. Input from these consultations is incorporated into our consolidated planning process.

1. Sources of Funds: ^{(24 CFR91.320(c)(1)(2))}

North Carolina’s Housing Resources

This year, the state proposes to assist over 49,000 households and over 43,516 homeless individuals and families through the four Department of Housing and Urban Development programs that fund the construction/rehabilitation of housing units, home buyer assistance for existing housing, rental assistance and some housing-related services. These 4 programs are:

- **The Small Cities Community Development Block Grant Program (CDBG)**

The state expects to issue grants totaling approximately \$28.7 million in CDBG funds for housing related activities in 2011.

- **The HOME Investment Partnerships Program (HOME)**

The state expects to receive \$20 million in HOME funds in 2011.

- **The Emergency Solutions Grants Program (ESG)**

The state expects to receive \$2.5 million in ESG funds during 2011.

- **Housing Opportunities for Persons With AIDS Program (HOPWA)**

The state expects to receive \$2.6 million in HOPWA funds during 2011.

To conduct housing-related activities, the state uses nonfederal as well as federal funds. The available funding sources can be categorized as follows:

<u>Federal</u>	<u>State</u>	<u>Other Resources</u>
<ul style="list-style-type: none"> ▪ Community Development Block Grant Program (CDBG) ▪ Emergency Solutions Grants Program (ESG) ▪ HOME Investment Partnership Program (HOME) ▪ Housing for Hardest Hit Funds ▪ Housing for Persons with AIDS Program (HOPWA) ▪ Neighborhood Stabilization Program (NSP1) ▪ American Recovery and Reinvestment Act Funds <ul style="list-style-type: none"> ▪ Tax Credit Assistance Program (TCAP) ▪ The Exchange Program ▪ Community Development Block Grant Recovery (CDBG-R) 	<ul style="list-style-type: none"> ▪ North Carolina Housing Trust Fund (HTF) and HOME Match funds appropriated by the General Assembly ▪ HPPP – Housing Protection Program appropriated by the General Assembly ▪ State Tax Credits 	<ul style="list-style-type: none"> ▪ Housing Credits ▪ Mortgage Credit Certificates ▪ Mortgage Revenue Bonds ▪ National Foreclosure Mitigations Counseling Grant

North Carolina rarely funds 100% of any development. Rather, it attempts whenever possible to leverage investment from local governments, nonprofit organizations, for profit developers, and private investors.

Matching Requirements

The table below lists the federal and/or state matching funds requirements for each of the programs.

Program	Federal Matching Requirement	State Matching Requirement
CDBG	The state is required to provide an annual 1:1 match for federal administrative funds. The requirement is met by the state paying non-CDBG staff salaries.	Community Revitalization applications are rated for local commitment, though no local match is required for funding. In the Economic Development Program, all local governments except Tier 1 counties are required to provide a 25% match for the grant. A 5% match is required for Infrastructure grants, though that is waived for 21 st Century Communities. New language has been adopted by the General Assembly. DCA is reviewing impacts to the CDBG Program and will make all necessary adjustments.
ESG	The state is required to match Emergency Solutions Grant funding received annually with an equal amount of funding from other sources. This requirement is passed to state grant recipients as allowed by ESG program regulations.	Each grantee must match the funding provided by the state with an equal amount of funds or voluntary efforts.
HOME	25% match required. This is a requirement of the state as a Participating Jurisdiction but it is not passed on to recipients under the state programs that are funded with HOME. Some of the state's required match is appropriated by the General Assembly. The NCHFA provides the rest of the match.	There is no match requirement imposed by the state.
HOPWA	There are neither federal nor state match requirements for this program.	

American Reinvestment and Recovery Funding/ Housing and Economic Recovery Act (HERA)

The state was allocated funding under the American Reinvestment Recovery Act (ARRA) or also known as “Recovery Funding” for various agencies.

North Carolina Housing Finance Agency

Tax Credit Assistance Program (TCAP)

North Carolina received \$52,152,687 from the Tax Credit Assistance Program (TCAP), which was included in the American Recovery and Reinvestment Act of 2009 (ARRA). TCAP provides funding for capital investment in Low-Income Housing Tax Credit properties. State housing finance agencies distributed these TCAP funds competitively and according to the Qualified Allocation Plan (QAP). Projects awarded Housing Credits in 2009 were eligible for funding, and priority was based on the Final TCAP criteria. Ten of the 2009 projects received TCAP awards. There are no administration funds associated with TCAP.

The Exchange Program

Section 1602 of ARRA created the Exchange Program, through the Treasury Department, which allowed housing finance agencies to elect to receive cash in exchange for a certain portion of the state's tax credit ceiling. Agencies used the funds to make sub-awards to finance the acquisition or construction of qualified properties, subject to the same requirements as the Low Income Housing Tax Credits program. NCHFA used this program for 2007 and 2008 projects and received approximately \$135 million from Treasury.

Homeless Prevention and Rapid Re-housing Program (HPRP)

The state of North Carolina received a direct allocation of \$22 million for this program. The Office of Economic Recovery and Investment administers the program for the state with assistance from the Department of Health and Human Services and NCHFA. HPRP provides funds that can be used for temporary financial assistance, housing relocation, and housing stabilization services for persons who are homeless or at risk of homelessness. A total of \$18 million will be used for program activity and \$4 million for support services. The program began October 1, 2009 and is scheduled to end August 31, 2012. There are 20 service organizations that administer the program in 54 counties around the state.

2. Statement of Specific Annual Objectives ^{(24 CFR91.320(c) (3))} **and Affordable Housing:** ^{(24 CFR91.320 (g))}

Housing Activities to be undertaken

The three tables “One-Year Affordable Housing Goals & Objectives” show how the four core programs are having an impact on the needs of the state. The tables provide the anticipated households assisted and funding amounts (in thousands of dollars) allocated for each activity type; need type, and priority category. In reviewing the tables, it is important to recognize that the state considered strategic investment of its limited resources through its programs, as well as the appropriateness of the resources available to address the priority need categories. The following table gives the data requested for areas: Statement of Specific Annual Objectives the agency expects to achieve as well as the Affordable Housing one year goals for the number of households to be provided affordable housing.

One-Year Affordable Housing Goals & Objectives

Goals by Activity Type - §91.320(g)		
Activity Type	Anticipated Households Assisted*	Anticipated Funding in \$000s
Rental Assistance	67	\$1,500
Production of New Units	294	\$3,830
Rehabilitation of Existing Units	461	\$20,000
Acquisition of Existing Units	346	\$3,542
Other Activities Not Specified Above	51,709	\$4,733
Total	52,877	\$33,605

Goals by Special Needs - §91.320(g)		
Need Type	Anticipated Households Assisted*	Anticipated Funding in \$000s
Homeless	51,534	\$5,450
Non-Homeless	1,168	\$21,257
Special Needs***	175	\$6,898
Total	52,877	\$33,605

Annual Objective by Priority - §91.320(c)(3) & §91.320(d)		
Priority	Anticipated Households Assisted*	Anticipated Funding in \$000s
High Priority		
Homeless Families & Individuals	51,534	\$5,450
Non-homeless Persons with Special Needs	175	\$6,898
Households between 0-30% AMI	161	\$1,425
Medium Priority		
Households between 31-60% AMI	800	\$15,989
Lower Priority		
Households between 60-81%	207	\$3,843
Total	52,877	\$33,605

*Households is defined as households, individuals or units assisted.

**Each table represents the same total funding amount categorized by distinct goals and objectives as outlined by HUD regulations.

***'Special Needs' is defined as persons with disabilities, low-income elderly persons, and persons with HIV/AIDS.

3. Outcome Measures: (24 CFR91.320 (e))

Uniform performance measures have been developed by HUD. The Consolidated Plan Partners have chosen appropriate performance measures for their specific programs. The following are the performance measures for North Carolina HUD-funded programs by Agency, category, objective, and outcome.

Outcome -->	Availability/ Accessibility	Affordability	Sustainability
Objective -->	Suitable Living Environment		
	Decent Housing		
	Creating Economic Opportunities		

CDBG objectives and outcomes are specific to each program category. The category with corresponding objective and outcome are provided here.

Categories	Objective	Outcome
Small Business & Entrepreneurial Assistance	Creating Economic Opportunities	Availability
NC Catalyst Program	Create Suitable Living Environment	Sustainability
Scattered Site Housing	Providing Decent Housing	Sustainability
Infrastructure Hook-Ups	Creating Suitable Living Environment	Sustainability
Infrastructure	Creating Suitable Living Environment	Sustainability
Economic Development	Creating Economic Opportunities	Availability

For all HOME-funded activity, the objective category is “decent affordable housing” and the outcome category is “affordability”.

ESG objectives and outcomes are to ensure the provision of emergency and/or transitional housing, essential services, and or/homeless prevention services.

The outcome and objective for the HOPWA Program is to provide decent, safe and affordable housing for persons living with HIV/AIDS and their families.

4. Allocation Priorities: ^{(24 CFR91.320(d)(f))}

Funds will be made available through both competitive and open funding cycles. Funds will be allocated statewide based on housing needs, as documented in the *North Carolina Housing Market Analysis & Needs Assessment* in the *2011-2015 Strategic Consolidated Plan*. See the “One-Year Affordable Housing Goals & Objectives” tables for the allocation priorities and proposed distribution of funds to address those needs.

Geographic Distribution

Each program has a unique method of geographic distribution. The funding for the Community Development Block Grant Program is directed to non-entitlement communities across the state. The program funding through the Emergency Solutions Grants Program, the HOME Program, and the HOPWA Program is distributed statewide. The HOPWA Program is directed to non-entitlement communities across the state.

5. Homeless and other Special Needs ^{(24 CFR91.320(h))}

The state addresses the needs of the homeless and other special needs persons through administration and funding of numerous programs. The state addresses emergency shelter and transitional housing needs of homeless individuals and families to prevent them from becoming homeless with the Emergency Solutions Grants Program (ESG), the Supportive Housing Development Program (funded in part with HOME), and the Key Program (funded in part with HOME Match) through the provision of grants and loans to develop and operate emergency, transitional or supportive housing. ESG also helps to combat chronic homelessness through the provision of preventive programs and activities. The state addresses the needs of those who are not homeless through the Supportive Housing Development Program (SHDP), Key Program, and Housing Opportunity for Persons with AIDS Programs (HOPWA). SHDP helps partners develop permanent and transitional housing for persons with disabilities, Key provides rental subsidies to persons with disabilities, and HOPWA provides tenant based rental assistance, short-term mortgage assistance and utility assistance, housing information, supportive services and resource identification to persons with HIV/AIDS.

6. Barriers to Affordable Housing ^{(24 CFR91.320(i))}

The Analysis of Impediments to Fair Housing Choice, completed in 2010, summarizes barriers to affordable housing and is available to the public. The Housing Coordination and Partnership Council advises the Governor and General Assembly on barriers to affordable housing in North Carolina, and the Housing Partnership, the oversight board of the state’s Housing Trust Fund, considers barriers to housing in the allocation of state resources. In carrying out their regular programs and funding cycles, the Consolidated Plan Partners continue to promote the removal of barriers to affordable housing. The Consolidated Plan partners will take efforts to address those impediments through individual agency efforts as well as a collaborative effort as partners.

One Year Goals to Address Impediments to Fair Housing Choice Partners for 2011

Below is a table describing each agency specific activities that each agency will undertake to address the identified impediments in the 2011-2015 Analysis to impediments to Fair Housing Choice Study.

Impediment	Goal	Implementation	Agency Lead	Year Performed
#1	#1	Consolidated Plan Fair Housing Workshop	DCA	2011
	#1b	Developing a FHIP	DCA	2011
	#1c	Fair Housing Task Force	ESG/HOPWA	2011
#2	#2	Outreach and Education to rental housing providers/landlords	NCHFA/DCA	2011
#3	#3	Constraints in lending markets	NCHFA	2011
#4	#4	Land Use Practices	DCA	2011
#2	#2	Offer Fair Housing Workshop at state ESG Conference	ESG	2011
#2	#2	Disseminate via electronic mail information regarding fair housing and training opportunities	ESG	2011

7. Other Actions: ^{(24 CFR91.320(j))}

Below, each Agency describes other activities they will undertake to implement the strategic plan.

Department of Commerce, Division of Community Assistance

DCA has designed its grant programs to increase local activities that identify and reduce barriers to fair and affordable housing in areas receiving CDBG funding and that support development of soundly designed affordable rental and single-family housing. The Division continues to target investments toward distressed rural areas and high priority small cities through the Commerce Department's 21st Century Communities Program, Urban Progress (UP) and Agrarian Growth (AG) Zones, and distressed counties.

DCA will continue to work with governmental and non-governmental groups to enhance coordination and to serve on statewide boards and councils, as well as reviewing plans submitted by housing agencies and public housing authorities in order to certify consistency with the Consolidated Plan.

The Division is prepared to react to severe economic crises such as plant closings and severe economic crises by coordinating economic recovery plans and implementing recovery activities. In response to severe natural or other disasters, the Division is prepared to react to meet the urgent needs of our state's communities.

DCA continues to encourage local governments to be involved with lead-based paint removal programs and to work with agencies that are established to mitigate the problem. The Division offers training workshops and courses throughout the year to assist local governments and service providers in better understanding DCA programs and requirements, as well as working with the UNC Institute of Government to provide a community development certificate training program for grant administrators.

North Carolina Housing Finance Agency (NCHFA)

The North Carolina Housing Finance Agency strives to meet underserved housing needs by ensuring that its products and programs are widely disseminated to all areas of the state (including difficult-to-serve urban areas and underserved rural areas), by researching housing needs and obstacles, and by staffing boards concerned with eliminating those obstacles. Among its many efforts directed towards providing housing for persons whose needs are not met by the market, the Agency leverages Low Income Housing Tax Credits with state and federal funding. The Agency operates the Lead Assistance Partnership Pool to assist low-income owners with lead-poisoned children. It also ensures all HOME-funded activity is in compliance with HUD lead regulations. Much of the Agency's work has the implicit long-term goal of reducing the number of families in poverty. The Agency's programs are primarily targeted towards households earning below 80% AMI, as are the HOME-funded programs, and several serve those below 30% AMI almost solely. The Agency funds transitional and permanent housing for the homeless and non-homeless persons with special needs, many of whom are in poverty. In addition, the Agency has three initiatives aimed at preventing homeowners who have lost their jobs from losing their homes to foreclosure as part of the Housing for Hardest Hit States program through the Treasury Department.

The Agency offers a variety of trainings and informational sessions for partners who wish to increase their knowledge of industry and Agency guidelines. These trainings strengthen all entities involved, improving their ability to provide affordable housing to those in need, and improving the institutional structure in the state. Several of the Agency's trainings and programs are operated in coordination with other public and private entities, including USDA-Rural Development, Habitat for Humanity, the Department of Energy, Duke Energy, Advanced Energy and the NC Home Builders. Further, the Agency participates on the Housing Coordination and Policy Council, the Housing Partnership, and the Interagency Council for the Coordination of Homeless Programs, and is involved in a number of local and regional conferences and forums. The Agency is also coordinating funding efforts for NCHousingSearch.org, a free website listing affordable rental housing opportunities statewide. The Agency will continue funding rental developments that are connected to public housing authorities' (PHA) Family Self-Sufficiency programs, and providing financing for homebuyers from Family Self-Sufficiency programs that participate in the Agency's homebuyer programs. The Agency will provide technical assistance on real estate financing issues for PHAs designated as troubled by HUD upon request by the PHA. It will also disseminate information about its affordable homeownership programs widely so as to reach as many public housing residents and other North Carolina residents as possible.

AIDS Care Unit

The state of North Carolina has transitioned to a Patient Management Model for funding regional networks of HIV care services with Ryan White Part B and HOPWA funds. The goal of this new system for funding HIV care is to improve the health status and housing needs of persons living with HIV infection in North Carolina.

The networks are informed of housing meetings conducted by the NC Housing Coordinators within the various regions. The information provided at the meetings includes how to access Low Income Housing Tax Credits, reasonable accommodations and Fair Housing trainings. All networks are provided with a client file checklist to assure appropriate data is being collected to meet both federal and state reporting requirements

Office of Economic Opportunity

The Emergency Solutions Grants Program with the addition in staff, the Office of Economic Opportunity (OEO) will increase on-site monitoring and technical assistance to grantees.

The OEO anticipates that HUD will provide new guidance in administering the Emergency Solutions Grants Program in FY 2011. To that end, the OEO is preparing to draft new administrative procedures for the state Emergency Solutions Grants Program that will not only encompass new HUD regulations, but will also make the state grant awards competitive. The OEO will develop a work group to draft new state Emergency Solutions Grants procedures. In addition, the ESG will partner more with other Consolidated Plan partner agencies to develop potentially other programs to address homelessness in North Carolina as a measure to leverage resources.

Public Housing Initiatives

The public housing authorities (PHA) are components in the statewide system for the delivery of affordable housing. Local housing authorities are established through the auspices of local government, subject to state enabling legislation. Neither the state nor DCA specifically have direct oversight for local PHA, however we may partner with these entities through a grantee or project sponsor relationship to complete local projects or activities. DCA does certify local plan's or project's consistency with the state program's Consolidated Plan for PHAs with a troubled or standard performing assessment issued by HUD.

8. Program Report ^{(24 CFR 91.320 (k))}

CDBG Program ^{(91.320 k(1))}

Administered by the North Carolina Department of Commerce, Division of Community Assistance, the CDBG Program provides grants to non-entitlement local governments **for projects that enhance the viability of communities by providing decent housing and suitable living environments and by expanding economic opportunities, principally for persons of low- and moderate-income.**

North Carolina expects to receive approximately \$45,000,000 in CDBG funds. Of this amount, \$28,700,000 will be made available for the following housing-related programs: NC Catalyst, Scattered Site Housing, Infrastructure, Economic Development and Small Business. In addition, other funds may become available as a result of additional HUD allocations, recapture, reversion, or carry-over of prior year funds and program income. The state makes these funds available through grants to non-entitlement governments statewide.

Investment Plan – 2011 Distribution			
Small Business			3,000,000
Scattered Site			16,500,000
Infrastructure			8,000,000
	General Improvements	(6,000,000)	
	Water and Sewer Connections	(2,000,000)	
Economic Development			7,210,000
Capacity Building			600,000
NC Catalyst			8,240,000
	<i>NC Tomorrow Fund*</i>	(1,275,000)	
Administration			1,000,000
Technical Assistance			450,000
2011 HUD Grant to State			45,000,000

Note: The Capacity Building category will be funded through projected program income receipts in 2007-2009 as funds become available. Program income is projected at \$300,000. The Capacity Building Program will be managed by the Office of Rural Development. The NC Tomorrow Fund is a set aside under the NC Catalyst Program.

Method of Distribution

The purpose of this section is to describe the method of distributing CDBG fund categories. CDBG projects will be awarded from several funding sources:

- New 2011 funds according to the investment plan above.
- Funds from earlier disbursements recaptured or de-obligated from prior Community Revitalization, Infrastructure, and Scattered Site, demonstration category grants, funds recaptured from Economic Development projects and funds not otherwise distributed from the above categories may be awarded to qualifying applications in NC Catalyst Program.
- Any Scattered Site funds not awarded may be awarded to qualifying applications in the NC Catalyst Program or as supplemental Scattered Site Housing funds to previous qualified applicants.
- Any recaptured or de-obligated Housing Development or Individual Development Account funds from previous disbursements and any Housing Development funds not awarded will be available for Individual Development Account grants, if needed. If not, funds may be awarded to qualifying applications in NC Catalyst Program.
- Any non-revolving loan Economic Development funds from previous disbursements and Economic Development funds not awarded may be distributed to projects in the Urban Redevelopment program, if needed. Any non-revolving loan Economic Development or Urban Redevelopment funds not awarded may be used to provide funds for economic development activities through non-profit agencies in partnership with local governments. If any funds remain at the conclusion of this cycle, funds may be awarded to qualifying applications in either NC Catalyst or Infrastructure.
- Program income received in prior years will be available for the Capacity Building category on an as available basis. Any unused program income may be awarded to qualifying applications in either in NC Catalyst or Infrastructure.

Threshold Requirements and Selection Criteria by Program Category

The grant size limits, threshold requirements, selection criteria, and selection process, when applicable, are summarized here for each CDBG program. A more detailed description of requirements and criteria is provided in the application guidelines for each CDBG program category.

Competitive categories usually prescribe selection criteria and selection processes for each program, whereas non-competitive categories prescribe specific review criteria.

All categories except Capacity Building, Small Business Entrepreneurial Assistance and Scattered Site Housing must meet some type of threshold requirements. All except the above exempt categories plus any demonstration projects may not receive awards or have applications under consideration for more than a total of \$1,250,000 from a fiscal year's allocation to the state.

Small Business & Entrepreneurial Assistance (SBEA) grants help develop a coordinated effort for assisting the existing small business/ entrepreneurial sector. SBEA projects will be selected on a competitive basis for a 24-30 month funding cycle. About twelve to twenty grants of \$150,000 to \$250,000 from the \$3 million total funding will be awarded to the state's most distressed local governments (i.e., applicants must be Tier 1 and/or 21st Century Communities). Application are rated and ranked using the selection criteria as follows. Further explanation is available in the application guidelines and on the website of the DCA.

<u>Selection Criteria</u>	<u>Score</u>
Appropriateness and Feasibility of Business Activities	300
Appropriateness of Plan for Creating an Entrepreneurial Environment	300
Local Commitment and Community Partnerships	200
Timely and Effective Public Participation	100
Grant Administration Capacity and Past Performance	100
Tier 1 and 21 st Century Communities.	<u>50</u>
 Total Points	 1000/1050

Scattered Site Housing (SSH) grants will be made to local county governments on a rotating basis to address housing needs of very low income families throughout the county. County governments can receive \$400,000 every 3 years with funds targeted to very low-income homeowners for rehabilitation or replacement purposes. Counties submit a detailed plan that includes all interested municipalities within the county describing how funds will be distributed to meet housing needs. Scattered Site Housing applicants may request that up to ten percent of funds be set aside for local option to undertake emergency repairs or repair/replace on-site well and/or septic systems.

Those counties that accomplish their goals and exhaust funds within two years are eligible to receive up to an additional \$100,000 to continue activities allowed in the SSH category subject to funding availability.

Selection Criteria for Scattered Site Housing awards include: community need; community impact; project design; financial feasibility; distribution plan; and participation process.

Infrastructure (IF) An estimated total of \$8 million will be available in the Infrastructure category. Eligible local governments may obtain grants of up to \$750,000 to provide new infrastructure (public water and/or public sewer) to existing residential neighborhoods to correct problems that pose a severe health or environmental risk. In an effort to address needs in 21st Centuries Communities, half of the total IF funds will be available to local governments in the 21st Century Communities on an open-ended basis. The other half of the funds will be available to all eligible local governments.

Applicants with one or more current grants in any category except economic development must meet financial or closeout requirements as specified in the grantee's performance based contract and in the closeout schedule for each grant fiscal year. Problems with previous grants must be resolved.

Criteria for IF awards include: severity of needs; benefit to low and moderate income persons; local commitment; treatment of needs; and appropriateness and feasibility.

DCA will give priority for funding to projects as listed below:

21st Century Communities Pool

Priority will be given first to water projects and second to projects that propose a regional solution providing all eligibility and benefit requirements are met. Identified 21st century communities map is attached in the appendix. 21st Century counties for round 6 include Cleveland, Jones, Pamlico and Stokes. \$3 million have been set aside for this pool of applicants.

Regular Pool

Funding priorities will be given first to regional balance, second to water projects and third to projects that propose a regional solution providing all eligibility and benefit requirements are met. In addition, local

governments will be required to display a high state of readiness in the application for IF funds. Projects should be ready to begin as soon as possible after receiving CDBG funds.

Infrastructure Hook-Up

Grants will be made available to eligible local governments applying on a first-come, first-serve basis for the Infrastructure Hook-Up Program. Eligible activities include costs and fees associated with connecting lower income families to existing water or sewer lines.

Eligibility of grantees in previous grant cycles and proper closeouts of previous grant cycles apply. 100% LMI benefit must be shown on a benefit form. Applications will be accepted in an open window cycle in a 2-step process until allocated funds are depleted or until a specified date.

Applicants must be on a list and have a reservation of funds in order to submit an application. Applications are reviewed in the order submitted and review criteria include conformity with basic criteria to apply and eligible activities. A balanced distribution of program funds will also be considered as a factor in making awards.

Capacity Building (CB) grants of up to \$75,000 will be made available to local governments to assist established non-profit organizations with steady and reliable income streams develop appropriate and competitive CDBG projects and gain functional capacity in a new and different role. The total amount of funds available for this non-competitive program will not exceed \$375,000. Funds are available on a first-come-first-serve basis with priority going to local governments from 21st Century Communities, Tier 1 Counties, and UP or AG Zones. A Capacity Building grant is expected to result in a future application in one of the CDBG categories. Funds for Capacity Building grants will be made available from program income.

Selection Criteria include previous CDBG experience, feasibility of the project to result in a future CDBG application, and financial feasibility of the non-profit to carry out the project and any future products. Capacity Building will be managed by the Office of Rural Development.

Economic Development (ED) Economic Development (ED)

Economic Development (ED) Economic Development (ED) This category will continue the policy of providing higher levels of funding to the most economically distressed areas of the state. The following considerations will be included for job creation and retention projects during the 2011 program year: 60% of the jobs created or retained in a project must benefit persons qualifying as prior low and moderate income (LMI). Funding for Economic Development projects is based on the number of jobs to be created or retained and the level of distress in the community applying for the funds. Areas with higher distress rankings, based on the North Carolina Tier rating system, are eligible for more funds per job created.

CDBG funds are granted to local governments for various types of infrastructure improvements to assist business expansion or retention. A local funding match of at least one dollar for every three CDBG dollars is required except for the 25 most distressed counties as ranked for the Article 3J Tax Credits legislation. In a secondary priority to infrastructure projects and at the discretion of the Secretary of Commerce, direct financial assistance to private companies is available as loans to be negotiated by the local government applicant and a participating North Carolina commercial bank at a level not to exceed 50% of the bank loan. Repayment of the loan by the private company becomes program income to the state and is deposited into a CDBG economic development revolving loan fund (RLF). Funding from the RLF is available only as loans.

Loans for industrial shell buildings are available from the RLF based on the projected number of jobs to be created and the level of distress in the community. These loans will be at a 2% interest rate with a maximum term of 5 years. Principle payments are deferred for the first two years of the loan. A dollar for dollar match is required by the local government applicant for an industrial shell building. Also, up to \$500,000 will be set aside in the RLF for counties in Tiers 1-3 as loans to assist with the costs associated with certifying industrial sites. These loans are repaid after the certified site is sold or within five years of award.

Funds are granted to local governments that propose a project in conjunction with a private for profit business that proposes to restore a vacant building to economic use resulting in the creation or retention of permanent, full-time jobs by the project company. To be eligible, documentation must be provided showing the building has been vacant thirty (30) consecutive days or more. CDBG funds for this category are limited to a maximum of \$750,000 per unit of government per program year. The grant amount is calculated based on \$20,000 per job for 3J Tax Credit eligible businesses (see chart) and \$12,000 per job for businesses not eligible for tax credits. CDBG funds provided to the company by the local unit of government will be in the form of a forgiven loan. The loan has a term of five years with no principal or interest payments. If the project company retains the jobs pledged in the loan agreement for the five year term, the entire amount is forgiven.

Certain threshold requirements apply, including: \$1.25 million cap for the yearly funding cycle; expenditure levels of open grants; and proper closeout of previous grants.

The NC Development Loan Fund (NCDLF), also known as the Section 108 Loan Guarantee Program, pledges future CDBG allocations as security for loans in accordance with the HUD Section 108 Loan Guarantee Program Final Rule published November 6, 1991. Applications may be submitted at any time during the year, as long as funds are available from HUD.

The maximum loan is \$5 million. The state may enter into loan guarantee agreements in support of projects sponsored by individual local governments with a minimum loan of \$750,000 or in support of loan pools of two or more projects supported by local governments with a minimum of \$250,000. Projects must meet minimum criteria with respect to equity, collateral and underwriting standards. The Department of Commerce is currently evaluating the Section 108 program to see if changes should be recommended.

NC Catalyst Program

The NC Catalyst Program is a new program that **consolidates program activities from several existing programs** such as Housing Development and Individual Development Accounts. The NC Catalyst Program will **also incorporate** de-obligated funds to **further address more focused/critical** unmet needs. **Examples include, but are not limited to addressing severe water-related needs; targeting very low-income households, special populations such as the elderly and disabled; increasing economic opportunities; responding to severe economic crisis; and focusing on sustainable communities efforts.**

NC Tomorrow Fund

NC Tomorrow is a pilot program to spur regional planning for viable sustainable communities throughout North Carolina. The ***NC Tomorrow*** planning initiative will center on the six livability principles established by the federal Partnership for Sustainable Communities. The NC Tomorrow fund is a set aside under the NC Catalyst in the amount of \$1,275,000.

The *NC Tomorrow* Program will provide planning grants to as many as 17 non-entitlement local governments serving as the lead regional coordinator within each of the 17 Council of Governments (COGs) regions. In exchange for the grant, the non-entitlement local unit of government must foster regional multi-jurisdictional participation around the program goals and develop the regional *NC Tomorrow* Sustainable Strategic Plan. A total of \$1,275,000 of proposed 2011 Community Development Block Grant funds has been set aside for planning grants under this program. A maximum of \$75,000 will be awarded to a non-entitlement local government serving as the lead regional coordinator. The grantee may use up to \$7,500 for grant administration. The remaining funds will be available for CDBG-eligible activities to prepare the regional *NC Tomorrow* Sustainable Strategic Plan.

Collectively, the regional *NC Tomorrow* Sustainable Strategic Plans will assist the North Carolina Department of Commerce in establishing a baseline for North Carolina today with a focus on North Carolina's tomorrow. The *NC Tomorrow* regional Sustainable Strategic Plans will provide data and identify strategies and sustainable practices within the region that will lead to strong sustainable communities within the region. At a minimum, the local unit of government regional coordinator must develop a regional plan incorporating data and strategies that includes:

- **Affordable Housing**
 - Increase the housing supply for low-to-moderate income (LMI) persons
 - Improves and preserves existing housing in the region
- **Job Creation and Retention**
 - Creates and/or retains jobs for LMI income persons
- **Equitable Opportunities**
 - Promotes equitable housing and employment opportunities
 - Includes open and fair economic competition
- **Accessible Transportation**
 - Enhance transportation choices to allow LMI persons to access affordable housing and jobs
- **Land Use**
 - Provides open space and agricultural resources
- **Health**
 - Promotes public health
 - Increases accessibility to health services
- **Energy Conservation**
 - Increases energy conservation
 - Reduces fossil fuel dependency through energy efficient building and energy efficient technology
- **Diverse Investments**
 - Identifies and leverages investment from local, regional, state, federal, and private funding sources.

The *NC Tomorrow* program design will incorporate the following:

1. Regional cooperation within the Council of Government (COG) Regions
2. Allow for use of sub-recipients
3. Allow existing Community Development Corporations and other non-profits to be involved
4. Test how the NC CDBG program and sustainability will work

5. Tie in with DCA Regional Planners where appropriate and
6. Incorporate where applicable Main Street, Appalachian Regional Commission, and 21st Century programs.

Benefits under consideration for applicants include:

- Preference in future CDBG programs that support the regional and/or state-wide Sustainable Strategic Plan;
- Technical assistance from DCA and other agencies of the Governor's Sustainability Communities Task Force; and
- Recognition by the state as a progressive region for supporting sustainable communities.

Eligible Applicants

Eligible applicants include any non-entitlement county or municipality that commits to serving a specific Council of Government region.

Program Period

The program period will be 18 months. This will allow time for one solid year of planning and sufficient time to start-up and closeout the grant.

NC Tomorrow Deliverable

The deliverable for the *NC Tomorrow* program is to receive up to 17 regional sustainable strategy plans using a DCA designed template. The collected plans will be used to develop a *NC Today* sustainable baseline and create state-wide strategies for *NC Tomorrow* Sustainable Communities.

Method of Distribution

The *NC Tomorrow* funds will be distributed to up to 17 Council of Government regions throughout North Carolina. The process will require interested non-entitlement local units of government to submit a streamlined application to DCA for review. The applicants must demonstrate multi-jurisdictional participation in the identified COG region, provide a timeline for preparing and submitting the regional Sustainable Strategic Plan, and provide evidence of at least one public hearing to explain the initiative to citizens. Although the program is non-competitive, DCA reserves the right not to fund applications when multiple applications come in from the same region, when a lead non-entitlement local government fails to demonstrate CDBG-administration experience, and when the local unit of government or proposed primary grant administrator has CDBG performance issues on past and present CDBG grants. Any remaining funds may be used to increase grant awards in regions requesting funds on a first-come, first-served basis and demonstrating progress in the region based on DCA's assessment.

Technical Assistance

Technical Assistance (TA) funds are used to develop the professional skills and capabilities of local community development grant administrators. Each year, DCA and the University of North Carolina at Chapel Hill's Institute of Government present a 5-day Community Development Academy for grant administrators.

Participants that complete the course and pass an exam receive a certificate of completion, indicating knowledge of community development topics. In addition, funds are used to hold a variety of workshops and seminars throughout the year, taught by DCA staff and others.

HOME Investment Partnerships (HOME) Program ^{(91.320 k(2))}

Administered by the North Carolina Housing Finance Agency, the HOME Program will provide financing to nonprofit housing organizations, for-profit developers, lead regional organizations and local governments to increase the availability of standard, affordable housing in North Carolina.

i. In addition to administering the \$20 million allocation of HOME, NC Housing Finance Agency also administers the state's Housing Trust Fund, Low Income Housing Tax Credits, State Tax Credits, Home Protection Program, Mortgage Credit Certificates and Mortgage Revenue Bonds. NCHFA also administers the National Foreclosure Mitigation Counseling Grant, the Neighborhood Stabilization Program, Housing for Hardest Hit funds, and two programs funded through the American Recovery and Reinvestment Act: Tax Credit Assistance Program and the Exchange Program.

ii. Resale/Recapture Provisions

Housing rehabilitation loans under the Single Family Rehabilitation Program will be provided as deferred and forgivable, forgiven at \$3,000 per year over the life of the loan.

Home buyer loan subsidies available under the New Homes Loan Pool, IDA Loan Pool and Downpayment Assistance Program will be provided as subordinate deferred-payment loans.. Home buyer loans under the Self-Help Loan Pool will be provided as principal-only amortizing loans. Loans under all home buyer programs will be due and payable (1) when the property is sold, (2) when the property is no longer the home buyer's principal residence, (3) at the end of the loan term, or (4) when the first mortgage is refinanced. If the net proceeds of the sale of the property are insufficient to repay the home buyer loans in full, the Agency will accept its pro rata share of the net proceeds in full satisfaction of the loan.

iii. HOME funds are not used for refinancing of existing debt, even in developments rehabilitated with HOME funds.

iv. ADDI Program

At this time, the Agency does not expect to receive an ADDI allocation for the period of the 2011 Action Plan.

v. Additional information not required by 24 CFR 91

Consortia

The North Carolina Housing Finance Agency will not approve additional HOME Consortia, if doing so will result in a net loss of HOME funds to the state.

Tenant Based Rental Assistance

Starting in 2002, NCHFA partnered with the NC Department of Health and Human Services (DHHS) to facilitate the inclusion of persons with disabilities and the homeless within LIHTC properties. As part of this partnership, LIHTC applicants commit to targeting 10% of the units in their developments to persons with disabilities. To support this commitment, developers partner with local lead agencies in the preparation and

implementation of Targeting Plans. These plans outline how the property will work with the agencies to make these units available.

In order to make the targeted units affordable, NCHFA and DHHS expanded their partnership in 2004 to create the Key Program. This program provides a bridge subsidy for households on disability income who have not yet received a Section 8 Housing Choice Voucher. Through this award-winning program, the Agency is able to assist in providing stable and affordable housing for these high priority populations. This program will continue to be funded in part by HOME Match funds in 2011.

Affirmative Marketing

The state has adopted procedures consistent with the requirements of affirmative marketing under 24 CFR Part 92.351(a) and (b). Recipients and subrecipients of HOME funding must certify that they have developed and adopted affirmative marketing procedures for HOME-assisted housing containing five or more units. In both rental and home ownership situations, the Agency works to address impediments to administering the HOME Program. In addition, the Agency reviews marketing plans as part of its application review process and provides training to rental property managers on a regular basis.

Minority Outreach

NCHFA has conducted outreach to both recipients of HOME awards and businesses contracted by those recipients. Language encouraging the use of minority- and women-owned businesses is included in either the commitment letter or program guidelines of HOME-funded programs involving contractors. Further, the NC Office for Historically Underutilized Businesses maintains a website of minority- and women-owned businesses, services, and suppliers, and provides comprehensive and continuing assistance to support them. The Agency encouraged HOME recipients in construction programs to utilize the Department of Administration's online search tool to find contractors. In addition, the Agency contacted the contractors and subcontractors of which it is aware and encouraged them to list their businesses on this search tool.

ESG Program^{(91.320 k(3))}

North Carolina's process for distributing ESG funding is currently non-competitive. Pre-applications for funding are distributed to previous ESG contractors, county managers, community action agencies, and other interested agencies, organizations, and individuals in December of 2010.

Pre-applications are used to determine an applicant's eligibility for ESG funding according to set criteria. An eligible applicant must:

- Document its process for verifying that clients served meet the HUD definition of "homeless"
- Operate the emergency and/or transitional shelter facility for which funding is requested for at least one year prior to the date of application (**for the purposes of this program, the term "shelter" excludes substance abuse rehabilitation centers (10A NCAC 97F) ;**
- Operate the emergency and/or transitional shelter facility for which funding is requested for at least one year prior to the date of application;
- Operate the emergency and/or transitional facility for which funds are requested for a minimum of six full months out of the year;
- Operate a safe and sanitary facility (if a shelter is a 24 hour or night only facility which:
 - if a 24 hour or Night Only facility, has an average daily occupancy (ADO) of at least six homeless persons nightly; or

- if a Day Only facility, has an APSD (average number of person served daily) of at least 30 persons per day; and provides one or more of the essential services defined by the U.S. Department of Housing and Urban Development.
- Have an established accounting system that provides for maintenance of ESG funds in accordance with OMB Circulars A-110 and A-122;
- Have at least one person on the board of directors that is homeless or formally homeless; and
- Have the ability to expend ESG funds budgeted for Operations and/or Services within 365 days and ESG funds budgeted for Homeless Prevention within 180 days;
- Have acceptable resources to match the ESG funding received;
- Involve to the maximum extent possible homeless person in maintaining and operating facilities assisted under the ESG Program; and
- In the case of private, non-profit organization, have the endorsement of the unit of local government in the community in which the emergency or transitional shelter is located.]

Program staff review Pre-applications in February of 2010 and notify potential contractors to submit an application in March 2010. The ESG program does not fund substance abuse shelters. In addition all funding and definitions outlined in both the application and the North Carolina Administrative rules for ESG will be followed. Once applications are approved and the agreement between the NC Department of Health and Human Services and the US Department of Housing and Urban Development is in place, contracts are executed.

Program Evaluation and Monitoring

All FY 2011 ESG contractors will be subject to on-going monitoring throughout the term of the grant. The primary methods of monitoring will include:

- Review of mid-year and end of year contractor performance reports
- Review of contractor monthly financial status reports
- Review of monthly Average Daily Occupancy (ADO) and Unduplicated Occupancy
- Periodic on-site monitoring, including review of randomly selected case files; and
- On-going telephone contact with contractor staff.

HOPWA Program ^{(91.320 k(4))}

The HOPWA program is administered by the North Carolina Department of Health and Human Services. HOPWA provides housing services and other assistance to low-income persons with AIDS or related diseases and their families. The HOPWA allocation is based upon the number of reported AIDS cases. Eligible activities for HOPWA include:

- Short Term Rent, Mortgage and Utility Assistance
- Tenant Based Rental Assistance
- Operating Cost
- Supportive Services
- Housing Information
- Resource Identification
- Administration

In 2011, funds will be awarded based on the 2009 Patient Management Model RFA. The AIDS Care Unit will fund eligible HOPWA activities under HUD's 24 Code of Federal Regulations Part 574. The eligible activities will reflect the critical issues addressed in the Ryan White Part B Statewide Coordinated Statement of Need and Comprehensive Plan along with the recommendations from the 2004 HOPWA needs assessment process conducted by AIDS Housing of Washington. The availability of resources to fund programs for each eligible activity will also be considered. This funding represents the second year of a three year funding cycle based on the 2009 competitive allocation process.

The following overarching considerations apply to HOPWA funded applicants:

1. Funds should be distributed throughout the state, both in urban and rural areas within the 91 counties served by the state HOPWA Program.
2. HOPWA-funded programs should be client centered.
3. Networks of Care must develop protocols to ensure confidentiality.
4. Networks of Care must indicate their willingness to actively collaborate with community-based organizations, AIDS service organizations and other community organizations and agencies to establish a referral network.
5. Networks of Care must ensure that clients receiving HOPWA funds have access to a case manager.
6. Networks of Care must ensure that clients receiving HOPWA funds have a housing care plan.
7. Networks of Care must demonstrate their ability to meet HUD and local housing quality standards relating to habitability and access.
8. Networks of Care must have the financial and programmatic capabilities to manage a housing program per federal and state regulations, policy and guidance.
9. Networks of Care must serve clients at or below 80% of median family income level.

The AIDS Care Unit is required by the Division of Public Health to monitor the programmatic and fiscal responsibilities of all Networks of Care contracted to provide HOPWA services.

The AIDS Care Unit will review Network budgets, budget narrative justifications, service delivery plans, and performance providing HOPWA services, etc.

The AIDS Care Unit will review monthly contract expenditure reports and monthly detailed expenditure reports along with back up documentation submitted by the Networks for reimbursement. Additionally, performance monitoring will be based on the timely submission of monthly expenditure reports with supporting documentation.

Performance monitoring is documented for each funded Network of Care in writing and maintained in an agency notebook.

Based on the contractual agreement, the scope of work for each Network of Care's contract outlines the performance monitoring measures for HOPWA services. This includes the following:

- Submission of quarterly reports to the AIDS Care Unit detailing qualitative and quantitative activities.
- Attendance at mandatory meetings sponsored by the AIDS Care Unit.
- Submission of the Consolidated Annual Performance and Evaluation Report (CAPER) to include Demographic Charts. This information must be submitted to the HOPWA Administrator as part of the state's HOPWA Integrated Disbursement Information System (IDIS) reporting requirements.
- Preparation for on-site visits and/or bench reviews twice during each contract period.

8. Monitoring (24 CFR 91.330)

Each of the Consolidated Plan Partners has plans for monitoring and ensuring compliance in their own programs. These plans may include elements such as site-visits, file reviews, interviews with residents, and reviews for compliance with federal and state regulations (such as Davis-Bacon and Fair Housing requirements). The monitoring plans vary by program and funding source. In addition, agencies monitor and implement programs in accordance with state rules as outlined in the State of North Carolina Administrative rules.

9. Certifications (24 CFR 91.325)

Each Agency hereby submits signed certifications consistent with the certification requirements of HUD. [Each Agency will prepare their certifications and submit to DCA for inclusion with the final action plan]

Appendices

NOTICE OF PUBLIC HEARING

AGENCIES: North Carolina Department of Commerce, Division of Community Assistance
North Carolina Housing Finance Agency (NCHFA)
North Carolina Department of Health and Human Services, Office of Economic Opportunity
North Carolina Department of Health and Human Services, AIDS Care Unit

ACTION: Notice is hereby given that the 2011-2015 NC Consolidated Plan is under development. The state's Consolidated Plan includes the following programs funded by the U.S. Department of Housing and Urban Development (HUD): Small Cities Community Development Block Grant program (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grants (ESG) and Housing Opportunities for Persons with AIDS (HOPWA). The Consolidated Plan describes how the Consolidated Plan Partners plan to use and implement allocated Housing and Urban Development Funds for a five year period for each agency for housing and community development programs. As part of the Consolidated Plan, the state is required to conduct an Analysis to Impediments to Fair Housing Choice Study and the 2011 Annual Action Plan. The Analysis to Impediments to Fair Housing Choice and 2011 Annual Action Plan is also under development and open for public review and comment. The draft Consolidated Plan with supporting documents will be available for public review on October 1, 2010. The draft will receive several updates prior to submission to the Department of Housing and Urban Development.

SUMMARY: The N.C. Consolidated Plan addresses housing and community development needs across the state and sets priorities for meeting those needs. As part of citizen participation, the Consolidated Plan Partners will host public input session to inform the public about the various initiatives to be included in the 2011-2015 Consolidated Plan and other required documents as part of the requirements of the Consolidated Plan. **The public hearing as required will be conducted on October 20, 2010 at the North Carolina Housing Finance Agency from 9:30am-12:00pm.**

AVAILABILITY OF REVIEW MATERIALS: Copies of the draft Consolidated Plan and appendices will be available for public review on October 1, 2010-October 31, 2010. The draft consolidated plan will be available on the web sites of the North Carolina Division of Community Assistance (www.nccommerce.com) and the North Carolina Housing Finance Agency (www.nchfa.com). Copies are also available by request from the North Carolina Department of Commerce, Division of Community Assistance and will be distributed to all of the regional offices; contact Pauline High at (919) 571-4965 to receive a copy. Copies of the plan will also be distributed to all federal depository libraries in North Carolina. There will be several updates to the Consolidated Plan as partners make updates throughout the comment period. The public will be informed as required of those updates to the draft document.

PUBLIC HEARING: An official public hearing will be held on **October 20, 2010 from 9:30am to 12:00pm** for the 2011-2015 North Carolina Consolidated Plan, North Carolina Analysis to Impediments to Fair Housing Choice Plan, and the required supporting documents that are required to be submitted with the NC Consolidated Plan document. **The public hearing will be held on October 20, 2010 from 9:30am-12:00pm at North Carolina Housing Finance Agency, located at 3508 Bush Street, Raleigh, NC 27609-7509.** A call in-option

will be available for person who are unable to attend the meeting. To register for the call in-option please email compliance@nccommerce.com or call Pauline High at 919-571-4965 ext 237. Persons wanting additional information on the public hearing may contact Pauline High at (919) 571-4965 or at pauline.high@nccommerce.com. Persons with disabilities or who otherwise need assistance should contact Ella Limehouse at (919) 571-4900 in advance of the hearing. Accommodations will be made for all who request assistance with participating in the public hearing.

COMMENT PERIOD: Comments concerning the 2011-2015 Consolidated Plan, Analysis to Impediments to Fair Housing Choice and supporting consolidated plan documents may be made at the public hearing. Written comments can also be made during the comment period. Written comments will be accepted until **5:00 p.m., Sunday October 31, 2010** and may be made via email (compliance@nccommerce.com), fax (919) 571-4951, or mailed to Vickie Miller, Attn: Public Comment, North Carolina Division of Community Assistance, 4313 Mail Service Center, Raleigh, NC 27699-4313. All mailed comments must be postmarked no later than October 31, 2010.

2011-2015 Consolidated Plan Notice for Newspapers

Notice is hereby given that the 2011-2015 NC Consolidated Plan is under development. The state's Consolidated Plan includes the following programs funded by the U.S. Department of Housing and Urban Development (HUD): Small Cities Community Development Block Grant program (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grants (ESG) and Housing Opportunities for Persons with AIDS (HOPWA). The Consolidated Plan describes how the Consolidated Plan Partners plan to use and implement allocated Housing and Urban Development Funds for a five year period for each agency for housing and community development programs. As part of the Consolidated Plan, the state is required to conduct an Analysis to Impediments to Fair Housing Choice Study and the 2011 Annual Action Plan. The Analysis to Impediments to Fair Housing Choice and 2011 Annual Action Plan is also under development and open for public review and comment. The draft Consolidated Plan with supporting documents will be available for public review on October 1, 2010. The draft will receive several updates prior to submission to the Department of Housing and Urban Development. The N.C. Consolidated Plan addresses housing and community development needs across the state and sets priorities for meeting those needs. As part of citizen participation, the Consolidated Plan Partners will host public input session to inform the public about the various initiatives to be included in the 2011-2015 Consolidated Plan and other required documents as part of the requirements of the Consolidated Plan. **The public hearing as required will be conducted on October 20, 2010 at the North Carolina Housing Finance Agency from 9:30am-12:00pm.** Copies of the draft Consolidated Plan and appendices will be available for public review on October 1, 2010-October 31, 2010. The draft consolidated plan will be available on the web sites of the North Carolina Division of Community Assistance (www.nccommerce.com) and the North Carolina Housing Finance Agency (www.nchfa.com). Copies are also available by request from the North Carolina Department of Commerce, Division of Community Assistance and will be distributed to all of the regional offices; contact Pauline High at (919) 571-4965 to receive a copy. Copies of the plan will also be distributed to all federal depository libraries in North Carolina. There will be several updates to the Consolidated Plan as partners make updates throughout the comment period. The public will be informed as required of those updates to the draft document. An official public hearing will be held on **October 20, 2010 from 9:30am to 12:00pm** for the 2011-2015 North Carolina Consolidated Plan, North Carolina Analysis to Impediments to Fair Housing Choice Plan, and the required supporting documents that are required to be submitted with the NC Consolidated Plan document. **The public hearing will be held on October 20, 2010 from 9:30am-12:00pm at North Carolina Housing Finance Agency, located at 3508 Bush Street, Raleigh, NC 27609-7509.** A call in-option will be available for person who are unable to attend the meeting. To register for the call in-option please email compliance@nccommerce.com or call Pauline High at 919-571-4965 ext 237. Persons wanting additional information on the public hearing may contact Pauline High at (919) 571-4965 or at pauline.high@nccommerce.com. Persons with disabilities or who otherwise need assistance should contact Ella Limehouse at (919) 571-4900 in advance of the hearing. Accommodations will be made for all who request assistance with participating in the public hearing. Comments concerning the 2011-2015 Consolidated Plan, Analysis to Impediments to Fair Housing Choice and supporting consolidated plan documents may be made at the public hearing. Written comments can also be made during the comment period. Written comments will be accepted until **5:00 p.m, Sunday October 31, 2010** and may be made via email (compliance@nccommerce.com), fax (919) 571-4951, or mailed to Vickie Miller, Attn: Public Comment, North Carolina Division of Community Assistance, 4313 Mail Service Center, Raleigh, NC 27699-4313. All mailed comments must be postmarked no later than October 31, 2010.

**2010-2015 Consolidated Plan Public Hearing
October 20, 2010
9:30am-12:30pm
North Carolina Housing Finance Agency**

Introduction	Pauline High Division of Community Assistance
Presentation	Pauline High Division of Community Assistance
Opening of Public Comment for the 2011-15 Consolidated Plan, Analysis to Impediments to Fair Housing Choice and 2011 Annual Action Plan	Pauline High Division of Community Assistance
Close of Public Comment	Pauline High Division of Community Assistance
Other Ways to Make Public Comment	Pauline High Division of Community Assistance

Public Hearing Comments on the 2011 Annual Action Plan

These comments are reflected of the specific comments as it relates to the 2011 Annual Action Plan discussed on October 20, 2010 during the required public hearing. Any additional comments made about the 2011-15 Consolidated Plan and the Analysis to Impediments to Fair Housing Choice Study are included in the public comment section of the 2011-15 Consolidated Plan.

Verbal Comment:

The AI should include as an impediment local zoning and local fees that serve as an impediment for developers to complete supportive housing. Working with NCHFA with the supportive housing, it is also noted that the CBDG in entitlement communities help with providing gap financing for supportive housing and it would be very beneficial for the state CDBG program to look for ways to provide gap financing using CBDG in non-entitlement areas. *Mary Reca Todd, NCHFA*

Response from Con Plan Partners: *The Analysis to Impediments does address fees and local zoning and will look at these areas as required in the Analysis to Impediments to Fair Housing Choice. DCA and NCHFA will continue to partner and look for additional ways to partner to address needs statewide for affordable housing options.*

Written Comment from Chris Gergen, Bull City Forward



INTRODUCTION: As part of a larger effort to establish North Carolina as a leader in 21st century social problem-solving and economic development, Bull City Forward supports the creation of a North Carolina Center for Sustainable Enterprise. We envision a transformation across the state, where a world-class cluster of creative minds is scaling sustainable enterprises that are not only contributing thousands of jobs to the economy but also improving the local and global community in meaningful and measurable ways. To get there, North Carolina needs a long-term strategy to help accelerate and foster this cluster, much like the strategic planning that led to the creation of the NC Biotechnology Center thirty years ago.

OPPORTUNITY: Several states – including Louisiana, Maryland, Minnesota, Ohio, Texas, and Vermont – have implemented pieces of the puzzle but no one has come up with a truly comprehensive approach to enabling strong entrepreneurial ecosystems. North Carolina has the opportunity to unleash the breadth and depth of our state’s entrepreneurial energy by supporting a comprehensive strategy for cluster development that 1) helps establish a solid growth environment for entrepreneurs 2) researches their economic and social impact and shares that data to increase performance, visibility, and accountability, and 3) helps set policy that enables and encourages sustainable and social enterprises.

RECOMMENDATION: The creation of a Center is critical to galvanizing the cluster development of revenue generating enterprises that are environmentally sustainable and socially conscious. It's important to note that the primary mission of these enterprises is to have a positive social impact, and their success will benefit low- and moderate-income urban neighborhoods, Tier 1 and Tier 2 communities more than any other. The Center's strong structural foundation will support and, in certain respects, drive an actionable strategy that boosts the efforts of the Sustainable Communities legislation.

CONCLUSION: If state leadership is intentional and action-oriented, the dynamic goods and services that emerge from the social enterprise cluster can improve job growth and economic development, drive down costs in the social service areas and ascertain that taxpayer dollars are spent wisely – absolutely essential characteristics of communities that want to be successful in surmounting the challenges in education, transportation, poverty, and health care as populations increase and budgets tighten. North Carolina is uniquely positioned with an opportunity to generate transformative, cost-effective solutions and to serve as the model for addressing our world's greatest challenges by leveraging its public and private resources. The creation of a North Carolina Center for Sustainable Enterprise offers the most substantively useful and actionable measure to realize a first-mover advantage and to set our state apart.

Bull City Forward is a community effort to dramatically increase the creation, scale, and impact of social enterprises in Durham, North Carolina. It is guided by the conviction that in purposefully recruiting, enabling, and scaling social enterprises, Durham can create a robust cluster of innovation for the region that will spur economic development, improve the lives of citizens, and produce a new model of urban development.

Response from Con Plan Partners:

The State is committed to furthering the sustainable communities concept and will consider this approach for use of some of the HUD-funded programs during the 2011-2015 5-year strategic plan period.

Emailed Comment 10/29/10

Just wanted to comment that the Con Plan appears to make a commitment to assisting low-income householders becoming home owners but it is unclear whether sufficient funding has been set aside for the IDA CDBG. Given the large number of IDA's statewide it would seem wise to set aside at least \$4-5 million annually for IDA's. It is unclear, to me, how the Catalyst Program is working so, as a safeguard against a potential reduction in IDA funding, I think it would be wise to set aside a targeted set of funds for the purpose of supporting IDA's. Thank you for the opportunity to comment. *Tim Emmert. Community Development Planner, Moore County Planning Department*

Response from Con Plan Partners:

The State remains committed to supporting IDAs through the use of CDBG funds. The NC Catalyst program will provide an opportunity for local governments to seek CDBG funding for IDAs at a high amount that previously allowed, subject to demonstration of need and capacity.

STATE CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the State certifies that:

Affirmatively Further Fair Housing -- The State will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the state, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the State's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraphs 1 and 2 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of State -- The submission of the consolidated plan is authorized under State law and the State possesses the legal authority to carry out the programs under the consolidated plan for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official

Date

Title

Specific CDBG Certifications

The State certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR §91.115 and each unit of general local government that receives assistance from the State is or will be following a detailed citizen participation plan that satisfies the requirements of 24 CFR §570.486.

Consultation with Local Governments -- It has or will comply with the following:

1. It has consulted with affected units of local government in the non-entitlement area of the State in determining the method of distribution of funding;
2. It engages in or will engage in planning for community development activities;
3. It provides or will provide technical assistance to units of local government in connection with community development programs; and
4. It will not refuse to distribute funds to any unit of general local government on the basis of the particular eligible activity selected by the unit of general local government to meet its community development needs, except that a State is not prevented from establishing priorities in distributing funding on the basis of the activities selected.

Local Needs Identification -- It will require each unit of general local government to be funded to identify its community development and housing needs, including the needs of low-income and moderate-income families, and the activities to be undertaken to meet these needs.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objectives of Title I of the Housing and Community Development Act of 1974, as amended. (See 24 CFR 570.2 and 24 CFR part 570)

Use of Funds -- It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. **Overall Benefit.** The aggregate use of CDBG funds including section 108 guaranteed loans during program year 2011 shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. **Special Assessments.** The state will require units of general local government that receive CDBG funds to certify to the following:

It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of

properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It will require units of general local government that receive CDBG funds to certify that they have adopted and are enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Compliance with Laws -- It will comply with applicable laws.

Signature/Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

4313 Mail Service Center
Raleigh, North Carolina 27699-4313
3508 Bush Street
Raleigh, North Carolina 27609
1902 Mail Service Center
Raleigh, North Carolina 27699
2013 Mail Service Center
Raleigh, North Carolina 27699
4318 Mail Service Center
Raleigh, North Carolina 27699

Check ☐ if there are workplaces on file that are not identified here; the certification with regard to the drug-free workplace required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C.812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Place Holder 424 Form

HOME CERTIFICATIONS PLACE HOLDER (COMPLETED)
ESG CERTIFCATIONS PLACE HOLDER (COMPLETED)
HOPWA CERTIFICATIONS PLACE HOLDER (COMPLETED)